

FILED

July 12, 1985

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

EFFECTIVE

JULY 3, 1985

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO.

In the Matter of the Suspension)
or Revocation of the License of)

ALLAN SATZ, D.C.)

To Practice Chiropractic in the)
State of New Jersey)

Administrative Action

ORDER OF TEMPORARY SUSPENSION
OF LICENSE

This matter was opened to the New Jersey State Board of Medical Examiners on the application of Irwin I. Kimmelman, Attorney General of New Jersey, by Joan D. Gelber, Deputy Attorney General, on June 19, 1985 for an Order to Show Cause why the license of Allan Satz, D.C. should not be suspended based on imminent danger to the public health, safety and welfare as shown in the allegations of the verified complaint formally filed on June 20, 1985 with supporting certifications. The hearing on that Order to Show Cause, originally scheduled for June 19, was adjourned at the request of respondent's counsel, Kevin M. Hart, Esq., based upon his representation that respondent was physically ill, suffering from hepatitis and would not be engaged in the practice of chiropractic pending the hearing on the Attorney General's application.

On Wednesday, July 3, 1985, Deputy Attorney General Gelber and Kevin M. Hart, Esq., appeared before the Board President, Dr. Edward W. Luka, M.D. and Dr. Robert McCutcheon, D.C., the chiropractic member of the Board. Deputy Attorney General Joan Gelber then set forth in detail the contents of the charges, namely that Dr. Satz has practiced chiropractic since August 8, 1983, when his license was automatically suspended by operation of law (N.J.S.A. 45:9-41.11) for

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failure to renew his previously issued license. In support of this allegation, she directed the Board's attention to the Affidavit of Charles A. Janousek, Executive Secretary of the Board and custodian of the records, who certified that Dr. Satz had been previously issued license no. 1287 and had not been registered to practice in this State since August 8, 1983. D.A.G. Gelber also outlined additional charges set forth in the complaint. Specifically, she noted that between January 1984 and March 15, 1985, respondent undertook to provide chiropractic care to three persons, D.W., K.K.J., and Investigator John Fredericks serving as an undercover investigator, in a manner inconsistent with the appropriate standards for the practice of chiropractic in this State. The certifications and sworn statements appended to the verified complaint demonstrate that respondent engaged in inappropriate handling of patient genitals and made suggestive and inappropriate sexual remarks during the conduct of chiropractic examination and care. Transcripts of Undercover Investigator John Fredericks' visit are especially illustrative of these remarks and graphically demonstrate invitations to engage in sexual activity as well as more generalized statements involving sexual innuendo. Similarly, the contemporaneous report prepared by Investigator Fredericks graphically describes the physical acts and contact which Dr. Satz made during the time in which Fredericks presented himself as a patient. Taken together the transcript and report clearly demonstrate unprofessional conduct in both open and veiled sexual advances upon a patient.

During the course of the hearing on the Attorney General's application, the State offered an affidavit from Peter Plumb, D.C.

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referring to two instances in which his patients reported having had inappropriate chiropractic exams (i.e. touching of genitals) and having been asked questions concerning sexual habits by Dr. Satz. For the purposes of the instant application, review of this affidavit was limited to its corroboration of the allegations in Count II regarding patient D.W.

Respondent asserts that an Order of Temporary Suspension is unwarranted because his client is presently recuperating from hepatitis. This argument is rejected, since this Board would be remiss in discharging its duties were it to rely on Dr. Satz's ill health to assure that the public is adequately protected. Moreover, conflicting evidence as to the nature of the disease from which Dr. Satz is suffering, has been presented. Although counsel assures the Board that Dr. Satz is suffering from non-contagious hepatitis, there is a reference in one medical report to contagious hepatitis. Moreover, Dr. Satz's counsel also produced a brief letter from respondent's treating psychiatrist advising that therapy had been suspended because of Dr. Satz's illness. Counsel speculated that Dr. Satz must be seeing a psychiatrist because of personal problems, although he did not know the nature of those problems, nor could he disclose to the Board what kind of treatment Dr. Satz was undergoing at this time. Indeed, based upon respondent's presentation, the Board harbors reservations regarding Dr. Satz's present capacity to practice.

Counsel for Dr. Satz argues that the entry of an Order of Temporary Suspension, in effect, would penalize respondent for "his style of practice, the way he speaks." If the pattern

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exhibited in these three instances is representative of the way Dr. Satz speaks to, and treats his patients, the Board is all the more concerned and must be assured that such conduct will cease. The emotional abuse engendered when a health care professional makes sexual advances or undertakes to satisfy his own prurient interests under the guise of providing patient care, though difficult to quantify, is, in our view, as real and as detrimental to a patient as actual physical abuse.

Respondent also argues that a temporary suspension should not be grounded upon Dr. Satz's failure to renew his license and that for this Board to enter such an Order would represent selective enforcement. The Order of Temporary Suspension is grounded upon a preliminary review of Counts II through VII of the administrative complaint. The preliminary proofs with respect to Count I merely set forth the posture of the matter at present. Since Dr. Satz's license is not now in force, the Board is free to act upon the status of licensure which in fact presently exists. Accordingly the within order is directed at respondent's status as a licensee who has failed to comply with the legal requirement to renew his license and the unlicensed status imposed by operation of law.

Dr. Luke and Dr. McCutcheon conferred in executive session and after due deliberation found by his evidence presented that the Attorney General had satisfied the statutory burden of demonstrating "clear and imminent danger to the public health, safety and welfare" in Dr. Satz's continued practice of chiropractic, pending full hearing and disposition of the administrative complaint. The allegations, if true,

demonstrate a pattern of conduct which clearly endangers the health and well-being of the public and is totally inconsistent with the standards of chiropractic in this State.

Accordingly, it is on this 10th day of July, 1985,

ORDERED that:

1. Allan Satz, D.C., shall immediately cease and desist from the practice of chiropractic while his license is suspended due to non-renewal as provided in N.J.S.A. 45:9-41.11.

2. The license to practice chiropractic by Dr. Satz shall not be renewed, pending final decision of the Board on the verified complaint filed June 20, 1985 by the Attorney General.

3. This Order shall be reviewed and ratified, modified or vacated by the full Board of Medical Examiners at the next Board meeting scheduled for July 10, 1985 at the Richard J. Hughes Complex in Trenton. This Order is effective immediately, July 3, 1985.

STATE BOARD OF MEDICAL EXAMINERS

By: Edward W. Luka M.D.
Edward W. Luka, M.D.
President

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